

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**James McKinney,**

**Plaintiff(s),**

**v.**

**Case No.: 4:19-cv-02037-CLM**

**Johnathon Horton, Etowah County  
Sheriff, Brandon Hare, Logan Page,  
Anthony Davis, and William  
Langdale,**

**Defendant(s).**

**MOTION TO SEAL *PRO AMI* ORDER**

Plaintiff files this Motion requesting the Court enter an Order sealing the forthcoming *Pro Ami* Order to protect the privacy interests of all parties. In support of this Motion, Plaintiff avers:

1. The proposed Order, as drafted, contains sensitive financial information about the minor heirs to the Estate of Christopher McKinney.
2. The Proposed Order also contains information concerning the terms and conditions of a confidential settlement.
3. Ordinarily, settlement agreements and their contents are confidential documents.
4. Absent the need for *Pro Ami* approval; the public would not be privy to the terms and conditions of the settlement between the parties.

The Courts have long held that while there is a presumption in favor of public access to judicial records, that presumption is not without exception. “[A] court distinguishes documents that ‘may properly be considered public or judicial records’ from ‘those that may not; the media and public presumptively have access to the former, but not to the latter.’” *Winn-Dixie Stores, Inc. v. Se. Milk, Inc.*, No. 3:15-cv-1143-J-39PDB, 2019 U.S. Dist. LEXIS 41393, at \*3 n.2 (M.D. Fla. Mar. 14, 2019). Citing *F.T.C. v. AbbVie Prods. LLC*, 713 F.3d 54, 63-64 (11th Cir. 2013). The heirs’ financial information and the terms of a confidential settlement are not presumptively public information. Were it not for the minor heirs’ age, neither the financial nor the settlement information would be disclosed in the Court file. Since the underlying information is not generally subject to disclosure, the Order spelling out the Court’s instructions for distributing the settlement proceeds is not presumptively public. The Motion to Seal the Court’s Pro Ami Order is due to be granted.

Wherefore, Plaintiff respectfully requests that this honorable Court enter its Pro Ami Order under seal to protect the parties’ privacy interests to this litigation.

/s/Kira Fonteneau

Kira Fonteneau ASB-7338-k58f

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**CERTIFICATE OF SERVICE**

On May 28, 2021, I certify that I filed a copy of the foregoing using the CM/ECF system, which will serve a copy to all counsel of record.

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/s/Kira Fonteneau

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